

BILL NO. S-75-09-21

SPECIAL ORDINANCE NO. S-199-75.

AN ORDINANCE approving an Agreement for the
paving of certain alleys

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the contract dated September 5, 1975, between the
City of Fort Wayne, by and through its Mayor and Board of Public Works and
the owners of property abutting the first alley west of Stratford Road between
Crestwood Drive and Korte Lane and the "T" alley extending to Crestwood Drive,
for:

Improvement and paving of said alleys
for a cost to the City of the lesser of \$9,000.00 or 50% of the total cost, all as
more particularly set forth in said Agreement, which is by reference incorporated
herein, made a part hereof and is hereby in all things ratified, confirmed and
approved.

SECTION 2. This Ordinance shall be in full force and effect from
and after its passage and approval by the Mayor.


COUNCILMAN

APPROVED AS TO FORM
AND LEGALITY.


Mayor of Fort Wayne Council

Read the first time in full and on motion by Moses, seconded by Kraus, and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 9-23-75

Charles W. Westerman
CITY CLERK

Melvin F. Steneck, Chief Dep.

Read the third time in full and on motion by Moses,

seconded by Hinga, and duly adopted, placed on its passage.

Passed (~~LAST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	<u>9</u>	<u>0</u>			
BURNS	<u>X</u>				
HINGA	<u>X</u>				
KRAUS	<u>X</u>				
MOSES	<u>X</u>				
NUCKOLS	<u>X</u>				
SCHMIDT, D.	<u>X</u>				
SCHMIDT, V.	<u>X</u>				
STIER	<u>X</u>				
TALARICO	<u>X</u>				

DATE: 10-14-75

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. S-199-75 on the 14th day of October, 1975.

ATTEST: (SEAL)

Charles W. Westerman
CITY CLERK

James Stier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of October, 1975, at the hour of 11:00 o'clock A M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 16th day of October, 1975, at the hour of 10:00 o'clock P M., E.S.T.

Jack H. Long
MAYOR



Bill No. S-75-09-21

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
approving an Agreement for the paving of certain alleys

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

Winfield C. Moses, Jr. - Chairman

Eugene Kraus, Jr. - Vice-Chairman

William Hinga

John Huckols

Donald J. Schmidt

Lin Wilson Jr.

William T. Hinga

John Huckols

D. Schmidt

DATE 10-14-75 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

ORIGINAL



THE CITY OF FORT WAYNE
board of public works

June 23, 1975

The Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

In September of 1973 the Board received petitions for the paving of the first alley west of Stratford Road between Crestwood Drive and Korte Lane and the "T" alley extending to Crestwood Drive.

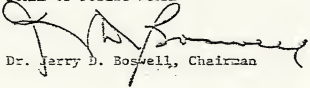
The City policy for payment at this time was a set cost to the property owner of \$5.00 per lineal foot. Between the time of receipt of petition and the completion of plans and specifications, construction costs rose to a point whereby the Board determined the City should not be paying the greater portion of cost. Therefore, an Agreement has been drawn up (copy attached) whereby the property owners will hire the contractor for cash and have alley constructed according to City plans and specifications. The City shall agree to pay 50% of construction costs or a maximum of \$9,000.00. Our engineering estimate for the job is \$24,220.00.

At a \$5.00 per lineal foot cost to the property owner, it is estimated the City cost would be at least \$17,125.00 with property owner paying \$7,097.00. By proceeding with the Agreement, we estimate a considerable savings to the City.

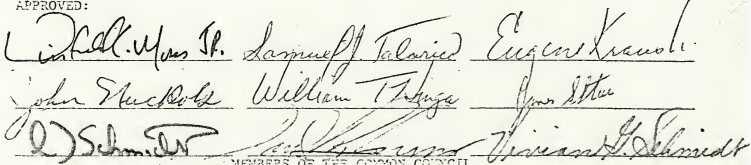
The Board, therefore, requests a "Prior Approval" to allow for presentation of Agreement to involved property owners so they may proceed with hiring of contractor. Agreement will be submitted for formal approval after execution.

Very truly yours,

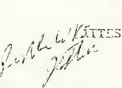
BOARD OF PUBLIC WORKS


Dr. Harry D. Boswell, Chairman

JDB:bt
cc: Mayor
APPROVED:



MEMBERS OF THE COMMON COUNCIL


CITY CLERK
AN EQUAL OPPORTUNITY EMPLOYER

1950
AGREEMENT

WHEREAS, the owners of property abutting the first alley west of Stratford Road between Crestwood Drive and Korte Lane and the "T" alley extending to Crestwood Drive in Fort Wayne, Indiana, desire to improve by paving said alleys, and

WHEREAS, the City of Fort Wayne, Indiana desires to aid owners in said improvement,

NOW, THEREFORE, the parties agree, for the consideration herein contained, to be bound by the following covenants:

(1) Owners shall enter into a contract with the private contractor of their choice to secure the paving of said alleys.

(2) Said improvement shall be constructed according to the plans and specifications attached hereto.

(3) Upon completion of the improvement, if said construction complies with said specifications, the City of Fort Wayne will accept the construction as satisfactory and will pay to the contractor the lesser of the sum of \$9,000.00 or 50% of the total cost of said construction.

(4) To insure that the improvement shall conform with said specifications upon completion, the City of Fort Wayne reserves the right to inspect periodically during said construction.

The attached letters, prepared by F. E. Schouweiler and signed by the property owners, are appended hereto and made a part of this Agreement to indicate consent and participation in the proposed construction and payment terms therefor.

5 IN WITNESS WHEREOF, the parties have subscribed this agreement this day of September, 1975.

Said Agreement shall not be binding until approved by the Common Council of the City of Fort Wayne, Indiana.

CITY OF FORT WAYNE, INDIANA
BOARD OF PUBLIC WORKS

BY

Jerry D. Boswell
Jerry D. Boswell, Chairman

BY

Carl E. O'Neal
Carl E. O'Neal, Member

BY

Betty Lou Nault
Betty Lou Nault, Member

REPRESENTATIVE FOR PROPERTY OWNERS

BY

F. E. Schouweiler
F. E. Schouweiler

STATE OF INDIANA)
) SS:
 COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jerry D. Boswell, Carl E. O'Neal and Betty Lou Nault, Chairman and Members respectively of the Board of Public Works of the City of Fort Wayne, Indiana, and acknowledged the execution of the foregoing Agreement for and on behalf of said Board and by its authority.

1975.

WITNESS my hand and official seal this

5 day of

September

Ann D. Fay
 Notary Public

My Commission expires

March 6, 1976

STATE OF INDIANA)
) SS:
 COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared F. E. Schouweiler and acknowledged the execution of the foregoing Agreement for and on behalf of the property owners affected by the proposal, as listed above.

1975.

WITNESS my hand and official seal this

4th day of

September

E. L. Smith
 Notary Public

My Commission expires

October 13, 1976

This instrument prepared by John Fleck, Associate City Attorney

DIGEST SHEET

TITLE OF ORDINANCE Special Ordinance

DEPARTMENT REQUESTING ORDINANCE Board of Public Works

SYNOPSIS OF ORDINANCE Ordinance covers Agreement with property owners abutting first alley west of Stratford Road and the "T" alley extending to Crestwood Drive. Said Agreement provides for improvement of these alleys under private contract with the City contribution being 50% or not to exceed \$9,000.00.

SEE PRIOR APPROVAL ATTACHED

EFFECT OF PASSAGE Two more alleys improved

EFFECT OF NON-PASSAGE Failure to honor prior approval

MONEY INVOLVED (Direct Costs, Expenditures, Savings) Maximum of \$9,000.00 cost to City.

ASSIGNED TO COMMITTEE Public Wks